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Art Group: 2134

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Date: August 22, 2008

From: Brent E. Vecchia, Reg. No. 48,011

Our Docket No.: 42390P12318

Number of pages 7 including this sheet.

Application No.: 10/000,154

Filing Date: 10/23/2001

Docket Due Date(s): 8/23/2008

Enclosed are the following documents:

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|--------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <input type="checkbox"/> Amendment: (pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (pgs) | <input type="checkbox"/> Notice of Appeal (in duplicate) |
| <input type="checkbox"/> Application: (pgs) w/cover & abstract | <input type="checkbox"/> Petition for: |
| <input type="checkbox"/> Assignment & Cover Sheet (pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) (in duplicate) |
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application No.	10/000,154
	Filing Date	October 23, 2001
	First Named Inventor	Koteshwerrao S. Adusumilli
	Art Unit	2134
	Examiner Name	Christopher Brown
Total Number of Pages in This Submission : 17	Attorney Docket Number	42390P12318

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below). <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Fax Coversheet</div>
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	August 22, 2008

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FEE TRANSMITTAL for FY 2007 <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
		Application Number	10/000,154
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	October 23, 2001
		First Named Inventor	Koteshwerrao S. Adusumilli
		Examiner Name	Christopher Brown
		Art Unit	2134
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	42390P12318

METHOD OF PAYMENT (check all that apply)	
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<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>	
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FEE CALCULATION					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	460	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
SUBTOTAL (2)				(\$)	

SUBMITTED BY		<i>Complete (if applicable)</i>	
Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011
Signature	<i>Brent E. Vecchia</i>	Telephone	(303) 740-1980
		Date	08/22/08

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FEE TRANSMITTAL for FY 2007

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☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 10/000,154
 Filing Date October 23, 2001
 First Named Inventor Koteshwerrao S. Adusumilli
 Examiner Name Christopher Brown
 Art Unit 2134
 Attorney Docket No. 42390P12318

METHOD OF PAYMENT (check all that apply)

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☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

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FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
SUBTOTAL (2)					(\$)

SUBMITTED BY

Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature	<i>Brent E. Vecchia</i>	Date	08/22/08		

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Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Patent Application of:)	
)	
Adusumilli et al.)	
)	
Serial No.: 10/000.154)	Art Unit: 2134
)	
Filed: 10/23/2001)	
)	Examiner: Christopher J.
)	Brown
For: SELECTING A SECURITY FORMAT)	
CONVERSION FOR WIRED AND WIRELESS)	
DEVICES)	

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P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicants (hereafter "Appellants") hereby submit this Reply Brief in response to the Examiner's Answer mailed in the above-identified case on 6/23/08. The fees required under § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying Transmittal of Appeal Brief. Appellants respectfully request consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

An oral hearing is not desired.

Application No. 10/000,154
Docket No. 42P12318

1

ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))

REJECTION OF CLAIMS 18-48 UNDER 35 U.S.C. § 102(E) AS BEING ANTICIPATED BY U.S. PATENT APPLICATION PUBLICATION NO. US2002/0133598 BY STRAHM IS IMPROPER.

GROUP I: CLAIMS 18, 19, 22-26, 29, 31, 32, 35, 36, 39, 40, 42

The Examiner has rejected claims 18-48 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2002/0133598 by Strahm (hereinafter referred to as "Strahm"). Appellants respectfully submit that the present claims are not anticipated by Strahm.

Claim 18 recites a system comprising:

"a network interface couplable with a public network to receive a first client message and first data that is encrypted according to a wireless security format and to receive a second client message and second data that is encrypted according to a wired security format;

a selection system coupled with the network interface to select a first security format conversion for the first data and to select a second security format conversion for the second data; and

a conversion system coupled with the selection system to perform the first security format conversion on the first wireless security format encrypted data and to perform the second security format conversion on the second wired security format encrypted data".

Strahm does not disclose these limitations. In particular, Strahm does not disclose a system including a network interface couplable with a public network to receive a first client message and first data that is encrypted according to a wireless security format and a second client message and second data that is encrypted according to a wired security format. Notice that this system is to receive client messages. Nor does Strahm disclose the claimed selection system,

or the claimed conversion system to perform the first selected security format conversion on the first wireless security format encrypted data and to perform the second selected security format conversion on the second wired security format encrypted data.

Strahm pertains to network communication. See e.g., the Title. Strahm discusses that the mobile device 110 of FIG. 1 may communicate with a home agent 160 of Figure 1. The mobile device 110 may establish four exemplary connections or tunnels with the home agent 160. See e.g., paragraph [0011]. Connection 114 is a wireless phone link, connection 116 is a wireless connection, connection 118 is a wired network connection, and connection 120 is a direct connection to the Internet 140. See e.g., paragraphs [0013] through [0016]. More than one connection may be active at a given time. See e.g., paragraph [0022]. Either the same or different security protocols may be used for the different connections. See e.g., paragraphs [0025] and [0026].

As explained in paragraph [0024], security protocols are established and authenticated. Paragraph [0024] mentions that examples of security protocols include transport layer security (TLS), secure sockets layers (SSL), and wireless TLS (WTLS). As understood by Appellants, **this is the only mention of WTLS in the entire application.**

However, Applicants respectfully submit that paragraph [0024] discloses that WTLS is an example of a security protocol for the **mobile client 110** (emphasis added). For example, paragraph [005] makes it clear that FIG. 3 is a process for connecting a mobile client and paragraph [0024] discussed in conjunction with FIG. 3 discusses actions taken by the mobile client. **There is no disclosure that the home agent 160 use WTLS, or any other wireless security**

format. There is absolutely no disclosure that the home agent 160 receives first data that is encrypted according to WTLS and a second data that is encrypted according to SSL. In fact, 766/776 in FIG. 7, which shows information processing units implemented by a server, seem to suggest that only TLS/SSL is used by the server.

With reference to FIG. 1 of Strahm, notice that the wireless phone link connection 114 and the wireless connection 116 each go through one or more components (e.g., a tower and the Internet, etc.). At some point these connections become wired instead of wireless. Strahm is silent on the security processing that may occur, since presumably it does not pertain to the invention.

However, as understood by Appellants, WTLS encrypted data would typically be converted to another format, such as SSL, within a WAP gateway (see e.g., Figures 1-2 of the present patent application), or within a trusted WTLS/SSL conversion system (see e.g., Figure 3 of the present patent application), or otherwise, prior to reaching the home agent 160. Such format conversion would result in the home agent receiving SSL or other wired encrypted data, **but not WTLS encrypted data, or any other type of wirelessly encrypted data.** This seems consistent with the TLS/SSL indicated at 766/776 in FIG. 7 of Strahm.

In any event, Strahm does not specifically disclose that the home agent 160 receives WTLS data, or any other data encrypted according to a wirelessly security format. Furthermore, the Examiner has not provided sufficient reasoning as to how WTLS data may remain encrypted throughout its traversal from the mobile device 110 through the Internet to the home agent 160. Furthermore, the anticipation standard requires that every element be identically

shown. Accordingly, Applicants respectfully submit that the home agent 160 does not receive a message and data that is encrypted according to a wireless security format.

In the Response to Arguments section of the Examiner's Answer for Group I, the Examiner has asserted "*Strahm teaches a client 110 that may make a first and second connection, and encrypt according to a wireless security format (WTLS) or a wired security format (SSL, TLS)*" (see e.g., page 5, lines 11-12). Accordingly, the Examiner appears to be using the client 110 shown in FIG. 1 of Strahm to reject claim 18.

Appellants have previously argued that the mobile client 110 of Strahm is a client. Appellants have previously argued that the mobile client 110 does not receive the claimed client messages.

In the Response to Arguments section of the Examiner's Answer for Group I, the Examiner has asserted "*Appellant argues that mobile client 110 does not receive the client messages. Examiner admits that the client sends messages to home agent 160, and does not receive its own messages*" (emphasis added; see e.g., page 6, lines 1-2).

Appellants respectfully submit that this in and of itself seems to be an admission that Strahm does not anticipate claim 18. Claim 18 specifically recites "*a network interface couplable with a public network to receive a first client message and first data that is encrypted according to a wireless security format and to receive a second client message and second data that is encrypted according to a wired security format*". Accordingly, claim 18 clearly recites that the network interface receives "client" messages. However, Appellants have argued, and now the Examiner

has admitted, that the client 110 does not receive client messages. Accordingly, Appellants respectfully submit that Strahm does not anticipate claim 18.

Appellants also point out that anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *"For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference."* In Re Bond, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

Accordingly, Appellants respectfully submit that claim 18 is not anticipated by Strahm. The dependent claims of claim 18 are believed to be allowable therefor, as well as for the recitations set forth in each of these dependent claims. Independent claims 29, 36, and 40, and their respective dependent claims, are believed to be allowable for similar reasons.

For at least one or more of these reasons, the claims of Group I are believed to be allowable over Strahm.

GROUP II: CLAIMS 47-48

Claim 47 recites a system comprising:

"a first network interface within a data center and couplable with a public network to receive a first Wireless Transport Layer Security encrypted data from a cell phone client and to receive a second Secure Sockets Layer encrypted data from a personal computer client;

a conversion system within the data center to convert the first Wireless Transport Layer Security encrypted data received from the cell phone client to plain data and to convert the second Secure Sockets Layer encrypted data received from the personal computer client to plain data;

a second network interface within the data center and couplable with a private network to provide the plain data to the private network".

Strahm does not disclose these limitations.

Firstly, Strahm does not disclose the claimed first interface that is within a data center and that receives the first Wireless Transport Layer Security encrypted data from a cell phone client and that receives the second Secure Sockets Layer encrypted data from a personal computer client.

As discussed above, there is no disclosure that the home agent 160 receive "Wireless Transport Layer Security" encrypted data. So the home agent cannot possibly anticipate claim 47. Also, as discussed above, the client 110 of Strahm does not receive client messages. Nor does the client 110 receive data from a cell phone client and data from a personal computer client. Claim 47 also recites that the first network interface is within a data center. However, Strahm does not disclose that the client 110 is within a data center.

Moreover, Strahm does not disclose that the client 110 has "a second network interface within the data center and couplable with a private network to provide the plain data to the private network".

In the Response to Arguments section of the Examiner's Answer for Group II, the Examiner has asserted "Examiner uses the broadest reasonable interpretation of "data center" and includes Figure 1 destination network including Firewall 152, Home agent 160, Intranet 150, and Destination Server 170 as said data center" (see e.g., page 6, lines 7-9).

Recall that the Examiner has used the client 110 to reject the "Wireless Transport Layer Security encrypted data" and the "Secure Sockets Layer encrypted

data". Now, the Examiner attempts to use the firewall 152, the home agent 160, the Intranet 150, and the destination server 170 to reject the **data center** limitation. As shown in FIG. 1 of Strahm, the firewall 152, the home agent 160, the Intranet 150, and the destination server 170 are **separated** from the client 110 by the Intranet 140. Appellants respectfully submit that it is simply inappropriate for the Examiner to use **both** features of the client 110 and the server side firewall 152, home agent 160, Intranet 150, and destination server 170 in order to reject claim 47. Claim 47 clearly recites that the first network interface to receive the **Wireless Transport Layer Security encrypted data** and the Secure Sockets Layer encrypted data is **within the data center**. In contrast, the client 110 of Strahm is **not** within a data center. It is inappropriate, and not the standard of anticipation, for the Examiner to modify the client 110 based on the server side firewall 152, home agent 160, etc.

Accordingly, Appellants respectfully submit that claim 47 is not anticipated by Strahm. Claim 48 depends on claim 47 and is believed to be allowable therefor, as well as for the recitations set forth therein.

For at least these reasons, the claims of Group II (claims 47-48) are believed to be allowable over Strahm.

GROUP III: CLAIMS 43-46

Claim 43 is a dependent claim from claim 18 that recites "*further comprising a second network interface to provide the plain data*". Appellants have previously argued that there is no disclosure in Strahm that the mobile device 110 has this claimed second network interface to provide the plain data.

In the Response to Arguments section of the Examiner's Answer for Group III, the Examiner has apparently relied upon firewall 152 shown in FIG. 1 of Strahm (see e.g., page 6, lines 13-15).

However, as discussed above for Group II, the Examiner has used the client 110 of Strahm to reject the wireless security format of claim 18. Now, the Examiner attempts to use the firewall 152 to reject claim 43. As shown in FIG. 1 of Strahm, the firewall 152 is **separated** from the client 110 by the Intranet 140. Appellants respectfully submit that it is simply inappropriate for the Examiner to use **both** features of the client 110 and the firewall 152 in order to reject claim 43. The second network interface of claim 43 is linked to the other components of claim 18 through the plain data. It is inappropriate, and not the standard of anticipation, for the Examiner to modify the client 110 based on features from the server side firewall 152.

Accordingly, claim 43 is believed to be further allowable over Strahm. Dependent claims 44-46 are believed to be further allowable over Strahm for one or more similar reasons.

For at least these reasons, the claims of Group III (claims 43-46) are believed to be further allowable over Strahm.

GROUP IV: CLAIMS 28, 34, and 38

Claim 28 is a dependent claim from claim 18 that recites "*residing in a data center between a first switch within the data center and a second switch within the data center*". Appellants previously argued that there is no disclosure in Strahm that the home agent 160 or the mobile device 110 of Strahm meets these limitations of "*residing in a*

data center between a first switch within the data center and a second switch within the data center”.

In the Response to Arguments section of the Examiner's Answer for Group IV, the Examiner has apparently relied upon firewall 152, intranet 150, and like server side components shown in FIG. 1 of Strahm (see c.g., page 6, lines 19-21).

However, as discussed above for Group II and III, the Examiner has used the client 110 of Strahm to reject the wireless security format of claim 18. Now, the Examiner attempts to use the firewall 152 and the intranet 150 to reject claim 28. As shown in FIG. 1 of Strahm, the firewall 152 and the intranet 150 are **separated** from the client 110 by the Intranet 140. Appellants respectfully submit that it is simply inappropriate for the Examiner to use **both** features of the client 110 and the firewall 152 and intranet 150 in order to reject claim 28. Claim 28 specifically recites that the system is *“residing in a data center between a first switch within the data center and a second switch within the data center”*. There is no disclosure that the client 110 is residing in a data center or between a first switch within the data center and a second switch within the data center. It is inappropriate, and not the standard of anticipation, for the Examiner to modify the client 110 based on features from the server side firewall 152 and intranet 150.

Accordingly, claim 28 is believed to be further allowable over Strahm. Dependent claims 34 and 48 are believed to be further allowable over Strahm for one or more similar reasons.

For at least these reasons, the claims of Group IV (claims 28, 34, and 38) are believed to be further allowable over Strahm.

GROUP V: CLAIMS 27 and 33

Claim 27 is a dependent claim from claim 18 that recites "*residing in a data center between the Internet and a data center server*". Appellants previously argued that there is no disclosure in Strahm that the mobile device 110 of Strahm resides in a data center between the Internet and a data center server.

In the Response to Arguments section of the Examiner's Answer for Group V, the Examiner has apparently relied upon firewall 152 shown in FIG. 1 of Strahm (see e.g., page 7, lines 4-5).

However, as discussed above for Group II, III, and IV, the Examiner has used the client 110 of Strahm to reject the wireless security format of claim 18. Now, the Examiner attempts to use the firewall 152 to reject claim 27. As shown in FIG. 1 of Strahm, the firewall 152 is separated from the client 110 by the Intranet 140. Appellants respectfully submit that it is simply inappropriate for the Examiner to use both features of the client 110 and the firewall 152 in order to reject claim 27. Claim 27 specifically recites that the system is "*residing in a data center between the Internet and a data center server*". There is no disclosure that the client 110 is residing in a data center or between the Internet and a data center server. It is inappropriate, and not the standard of anticipation, for the Examiner to modify the client 110 based on features from the server side firewall 152.

Accordingly, claim 27 is believed to be further allowable over Strahm. Dependent claim 33 is believed to be further allowable over Strahm for one or more similar reasons. For at least these reasons, the claims of Group V (claims 27 and 33) are believed to be further allowable over Strahm.

GROUP VI: CLAIMS 20, 21, 30, 37, 41

Claim 20 is a dependent claim from claim 18 that recites "*wherein the first port has a number selected from the group consisting of the numbers 9208 through 9282, and wherein the second port has number 443*". Strahm does not disclose this limitation and the Examiner has not provided sufficient reason why it would be inherent. Furthermore, this limitation further distinguishes over the Mobile device 110. Accordingly, claim 20 is believed to be further allowable over Strahm. Dependent claims 21, 30, 37, 41 are believed to be further allowable over Strahm for one or more similar reasons. For at least these reasons, the claims of Group VI (claims 20, 21, 30, 37, 41) are believed to be further allowable over Strahm.

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CONCLUSION

Based on the foregoing, Appellants request that the Board overturn the rejection of all pending claims and hold that all of the claims of the present application are allowable.

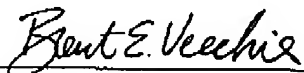
Appellants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

The Director is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 8/22/08


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